

Appl. No. 09/595,256
Amdt. Dated July 3, 2003
Reply to Office Action of April 23, 2003

• • R E M A R K S / A R G U M E N T S • •

The Official Action of April 23, 2003 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, independent claim 1 has been changed to recite that: 1) the covering zone includes a longitudinal end; 2) the elastic zone has a width defined in a longitudinal direction; and 3) that the elastic zone is attached to the covering zone so that a major portion of the width of the elastic zone extends beyond the longitudinal end of the covering zone.

Support for this recitation can be readily found in Fig. 2 in which the elastic zones are depicted as extending beyond each of the longitudinal ends of the covering zones.

Also by the present amendment, the changes for claim 1 which were courteously suggested by the Examiner have been adapted by applicant.

Entry of the change to the claims is respectfully requested.

On page 2 of the Official Action the Examiner has indicated that the drawings files January 23, 2003 have been disapproved. The Examiner has required applicant to submit proper drawing corrections. The requested drawing corrections which conform to the changes approved by the Examiner in the Official Action of October 23, 2002 are being submitted herewith.

Claims 1-6 and 8 stand objected to. Under this objection the Examiner has kindly proposed changes for claim 1 which applicant has incorporated into the present amendments for the claims.

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Claims 1-6 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. 0 688 550 A1 to Kimberly Clark.

In rejecting claim 1-3, the Examiner referred to the figures of Kimberly Clark together with page 2, lines 18-31, page 2, line 53 through page 3, line 3, page 3, lines 27-41 and 48-53, page 5, line 55 through page 6, line 48 and the claims.

In relying upon Kimberly Clark the Examiner has stated that:

The covering zone is 14 and 68 minus 82, and/or 16 and 70 minus 82, the elastic zone is 82, 84, 64 and/or 82, 86, 66, the first member and second member as claimed on lines 15-19 of claim 1, claim 2 and claim 3 are disclosed explicitly or in references set forth at page 2, lines 52-page 3, line 3, page 3, lines 27-41, page 4 lines 1-7, page 5, line 48-page 6, line 48.

Kimberly Clark teaches a waistband 32 that is secured within the waist opening of a pant body 12.

In Kimberly Clark the waistband does not extend above the top edge of the pant body and therefore the elastic zone does not extend beyond a longitudinal end of a covering zone (identified by reference numeral 14 by the Examiner).

It is noted that the manner in which applicant's elastic zone extends beyond the longitudinal end of the covering zone allows the waist regions of applicant's diaper to be stretched as shown by the imaginary lines in Fig. 1 even if the front and rear covering zones have no stretchability in the circumferential direction as discussed in the first full paragraph on page 8 of applicant's original specification.

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In contrast to applicant's invention, Kimberly Clark is directed to a diaper that comprises elastic side panels.

It is accordingly submitted that applicant's claimed invention is both structurally and functionally distinguishable over Kimberly Clark.

Based upon the above distinctions between Kimberly Clark and the present invention, and the overall teachings of Kimberly Clark, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Kimberly Clark as required under 35 U.S.C. §102 as anticipating applicant's claimed invention.

It is, therefore, submitted that any reliance upon Kimberly Clark would be improper inasmuch as Kimberly Clark does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Kimberly Clark and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

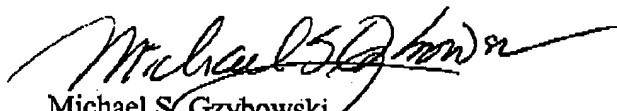
It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

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If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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